



# Amnesty International

# TORTURE

A human rights education resource on torture.  
For use with students aged 13+ in Citizenship/PSE/  
Modern Studies/Sociology.

**HUMAN RIGHTS EDUCATION  
RESOURCE  
TORTURE**

[www.amnesty.org.uk/education](http://www.amnesty.org.uk/education)

## ABOUT THIS RESOURCE

This resource is designed for Citizenship/PSE/Modern Studies/Sociology classes for students aged 13+. The resource includes two one-hour lesson plans on the topic of torture. In Lesson 1 students are asked to judge which interrogation techniques amount to torture as defined in the UN Convention Against Torture. In Lesson 2, students are asked to consider whether they think governments should be allowed to interrogate terrorist suspects using methods that might amount to torture, or cruel, inhuman or degrading treatment.

### A note on teaching sensitive and controversial issues

Young people need to explore controversial issues if they are to be well-informed about topical debates. However, teachers are encouraged to establish safeguards to help manage any sensitivity when teaching such issues. Some children, for example asylum-seeking children or their families, may have first-hand experience of torture. Children who have experienced other forms of abuse, perhaps in a situation of domestic violence, may also be sensitive to the discussion. Before the lesson it may be appropriate to tell students that they can approach you if they wish to talk to you individually about any of the issues discussed. Be mindful of your school's child protection policy if any child does wish to talk to you, and if appropriate give the child contact details for organisations such as Childline ([www.childline.org.uk](http://www.childline.org.uk)).

### Resources

Copies of Worksheets 1 and 2 for each student

Cards from Resource Sheet 1 (one set for each small group)

A copy of Resource Sheet 2 for teacher's reference

Statements from Resource Sheet 3 (one statement for each student OR one set of statements per pair)

### Learning questions

- What is torture?
- Why might different groups have different ideas about what constitutes torture?
- Is it ever right to interrogate terrorist suspects using techniques that might be judged to be torture?

# LESSON 1

## DEFINING TORTURE (Time: 1 hour)

### ACTIVITIES

1. Write the word 'Torture' on the board and introduce the topic and learning questions as appropriate with the class.

2. Ask students to work individually or in pairs. Give them one minute to produce either a quick freeze-frame still image (or if more appropriate they could draw a quick sketch in the back of their books) that sums up what they understand by the word 'torture'. Point out that students shouldn't create a still image that involves any real pain or one that might be offensive. Count down from three and ask students to show their still images all together.

3. Explain that we use the word 'torture' in an everyday context to refer to all sorts of experiences that we find painful – eg listening to our parents sing or coming to school! However, the word has a very specific meaning in international human rights law, which the world's governments have agreed. Under that definition 'torture' is any 'act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person by... a public official...'

(Article 1 UN Convention Against Torture and other Cruel, Inhuman and Degrading Treatment 1984)

4. Place students in pairs/small groups. Give each group a pack of 'interrogation technique' cards (Resource Sheet 1). Explain that these techniques have been used around the world by government officials

- to try and get information or confessions;
- to punish someone for something that they, or somebody else, is thought to have done;
- to frighten someone;
- because of who someone is, or what they think (eg because of their race or religion).

5. Explain that shortly you will ask the groups to look at each card in turn and decide whether the act on the card amounts to torture as defined in law – that is, would it cause severe physical or mental suffering?

Explain that when making their judgements, students should do so 'in role'. Assign each group one of the following roles and ask them to look at the cards from that perspective:

- a suspect under interrogation
- a police officer
- a soldier from Military Intelligence;
- a lawyer from a human rights organisation.

6. After the group work activity, go through a few of the cards as a whole class and get feedback from the groups. You will probably find that the students disagree as to what actions would cause severe physical or mental suffering.

7. Ask students to discuss the following question in their small groups/or as a class:

Why is there disagreement over which actions might cause severe physical or mental suffering (ie torture)?

8. Take brief feedback. Students might come up with the following responses:

**Pain is subjective:** What causes severe physical or mental suffering for one person, may not cause severe suffering to another. It is difficult, some would argue impossible, to measure suffering objectively, especially in the case of mental suffering.

**It depends on your perspective:** From the perspective of a suspect, even a legal punishment might feel like torture. Also, someone being interrogated or punished might pretend that his or her suffering is worse than it is in order to challenge the legitimacy of his or her detention. From the opposite perspective, an army intelligence officer or police officer might refuse to believe that certain techniques amount to torture if the officer is under pressure from superiors to obtain information or punish someone. Human rights organisations would be concerned to protect the fundamental rights of all individuals, even suspects. They would want to be sure that interrogation techniques being used are not torture or cruel, inhuman or degrading treatment.

Inform students that most of the techniques on the cards in this activity have been judged to be torture. Explain that in some cases it would be the *repeated use* of some of these techniques or their *use in combination* that would constitute torture. Resource Sheet 2, the Teacher's Notes cards on *Interrogation Techniques*, tells you which techniques have been judged to be torture, quoting actual cases for reference. It may be useful to share one or two of these examples, particularly if your students ask.

9. Read Worksheet 1 as a class for more information on what international law says about torture. Ask students to highlight any key words in the definition to help unpack its meaning (words like 'severe', 'physical and mental suffering', 'intentional', 'confession', 'public official'). Be sure that students have understood the following key points:

According to the UN Convention on Torture and Cruel, Inhumane and Degrading Treatment, torture:

- involves causing severe physical or mental suffering to the victim
- is inflicted intentionally
- is used to obtain information or a confession or to punish, intimidate or coerce
- is inflicted by a public official (or with his or her consent or acquiescence).

It is an absolute right to be free from torture.

NOTE: Students may ask you to explain the difference between 'torture' and 'cruel, inhumane and degrading treatment'. Explain that it is not possible to make a sharp distinction between the two. And from a practical standpoint, any distinction would be irrelevant because *all* forms of torture and ill-treatment are absolutely prohibited under international law.

Torture and ill-treatment are also forbidden under the International Covenant on Civil and Political Rights, the UN Convention Against Torture and Common Article 3 of the Geneva Conventions 1949 on the treatment of prisoners of war and of civilians in wartime.

## LESSON 2

### DISCUSSING THE CONTROVERSY (Time: 1 hour)

1. Explain that you are going to look at a controversial debate on the topic of torture. Write this question on the board:

In the current 'War on Terror', should governments be allowed to use interrogation methods against terrorist suspects that might be considered torture?

2. Read Worksheet 2 as a class (leave the questions for homework). After reading the two sides of the argument, you may wish to show students the two-minute film *Stuff of Life* that Amnesty International has made to show what waterboarding involves. Explain that this hard-hitting film is an example of a campaigning technique being used by this human rights organisation. The film has been shown in cinemas and features on YouTube and Amnesty's campaigning websites:

[www.protectthehuman.com/videos/waterboarding-ad-the-stuff-of-life](http://www.protectthehuman.com/videos/waterboarding-ad-the-stuff-of-life)

**NOTE:** The film includes strong scenes and has a 15 rating.

Another short Amnesty film you may wish to show is *Torture can never be justified*. This five-minute film further explains Amnesty's position on the use of torture in the war on terror [www.protectthehuman.com/videos/torture-can-never-be-justified](http://www.protectthehuman.com/videos/torture-can-never-be-justified)

3. Explain that students are going to explore this debate in more detail now so that they can develop an informed and critical response to the issue. Do either Activity 1 or Activity 2 with the class. Both activities use paired discussion rather than large group discussion because the former provides a 'safer' context for the discussion of controversial issues and ensures greater whole class participation. Students have the opportunity to critically reflect upon a range of arguments before being asked to formulate their own opinions. For both activities you will need to copy Resource Sheet 3 and cut the statements up.

#### ACTIVITY 1 SEATED PAIR WORK

- Ask students to work in pairs. Explain that they will be given a collection of statements. They will have to sort the statements into two groups: those that are in favour of the use of torture in specific circumstances against suspected terrorists, and those that are against.
- After this activity, ask students to arrange the arguments in order from those they find the most convincing to those they find least convincing. Encourage students to justify their decisions in their paired discussion.

#### ACTIVITY 2 WALKING DISCUSSION

- Clear some space in the classroom, if necessary, for the 'walking discussion'.
- Give each student a statement (there are 14 statements in total, so you may have to give the same statement to more than one student). Give the class two minutes to think carefully about what their statement means and to ask questions if they are unsure.
- Explain that shortly you will ask students to walk around the room until asked to stop and pair up. Once paired up, students will be asked to share their statements **in role**

as if they agree passionately with that statement. They may develop arguments around that statement to try and convince the other person of their point of view. NB: If a pair of students have the same statement, they should swap partners.

- Pause the discussion and ask students to consider the following questions:
  - If you have statements from the same side of the argument, which is the stronger statement?
  - If your statements disagree, which side of the argument sounds more convincing?
- After giving time for discussion, ask students to move around the room and start the process again. Do this enough times to allow students to hear a range of statements.

4. Provide the opportunity for feedback as a class. Ask students to read over Questions 1-4 on Worksheet 2 and to make notes that will help them to answer the questions for homework.

## **FOLLOW-UP**

You can teach a follow-up lesson further exploring issues around the 'war on terror'. *Justice for Dad*, an educational film produced by Amnesty International in 2007, tells the powerful human stories behind Amnesty International's campaign to close Guantánamo Bay. In the accompanying lesson, students can explore the case for and against Guantánamo, form their own opinions, and tell Amnesty what they decide. The film and lesson plans can be downloaded for free at: [www.amnesty.org.uk/humanrightsinfocus](http://www.amnesty.org.uk/humanrightsinfocus)

For more information on Amnesty's campaign against torture, including current reports, film clips and actions, go to [www.amnesty.org.uk/torture](http://www.amnesty.org.uk/torture)

# RESOURCE SHEET 1

To be made into cards

**1.**  
Shouting and gross verbal abuse

**6.**  
Solitary confinement

**2.**  
Removal of personal belongings

**7.**  
Detailed questioning

**3.**  
Covering a subject's head with a bag

**8.**  
Mock execution

**4.**  
Making someone stand for a long time

**9.**  
Stripping subjects naked, parading them in public

**5.**  
Sleep deprivation

**10.**  
Forcing drugs on a prisoner

# RESOURCE SHEET 1 Continued

To be made into cards

**11.**

Sensory deprivation and sensory bombardment (light, sound)

**15.**

Rape

**12.**

Forcing someone to lie on cold ground

**16.**

Threatening someone with prosecution if they have committed a crime

**13.**

Flogging, beating, electric shocks

**17.**

Pressure hosing

**14.**

Confinement in painful positions

**18.**

Denial of food

# RESOURCE SHEET 2

## TEACHER NOTES

### INTERROGATION TECHNIQUES

This table provides information on the 18 interrogation techniques in the card-sorting exercise in Lesson 1 (Resource Sheet 1). These notes give a reference (where there is one) to an actual decision by an international human rights body if it has been decided that the technique is torture or in some cases ‘cruel, inhuman or degrading treatment’, (sometimes when used repeatedly, or in a sustained way or together with other methods).

**Warning:** Many of these cases are disturbing.

### GLOSSARY

- CAT** UN Committee Against Torture  
**CPT** European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (an expert body of the Council of Europe)  
**ECHR** European Court of Human Rights  
**IACHR** Inter-American Court of Human Rights  
**ICTR** International Criminal Tribunal for Rwanda

The **UN Special Rapporteur on Torture** is a post that was established by the UN Human Rights Commission in 1985 to examine and report to the UN on torture.

Interrogation technique card	Is this torture?
<b>1.</b> Shouting and gross verbal abuse	Sustained shouting or gross verbal abuse of detainees can be defined as cruel and degrading treatment (absolutely prohibited under the UN Convention on Torture) if used in combination with other techniques.  The UN Special Rapporteur on Torture defined the gross and sexual verbal abuse of 10 Turkish human rights lawyers in Diyarbakir in 1993 as mistreatment. The detainees were also subjected to beating, kicking, stripping, and mock execution. <sup>1</sup>
<b>2.</b> Removal of personal belongings	To take a suspect’s personal belongings has <b>not</b> been defined as torture. However, depriving a detainee of clothes (see Card 9), or insulting abusing or removing a religious or cultural artefact – eg a Muslim Qur’an, a Christian crucifix, a Sikh <i>kara</i> or Jewish <i>Magen David</i> might be considered degrading treatment
<b>3.</b> Covering a subject’s head with a bag	Hooding means covering a prisoner’s head in a bag or sack, a form of mock execution and it can amount to psychological torture.  In 2006 Dr Manfred Nowak, UN Special Rapporteur on Torture, reported hooding as torture when it was used on the Tibetan Lama Jigme Tenzin and two other Buddhist monks in China. <sup>2</sup>  In 2004 UN Special Rapporteur on Torture Theo van Boven listed hooding among practices that had been ‘condoned or used to secure information from suspected terrorists’, including sustained deprivation of sleep or light, exposure to extremes of noise and temperature, and threatening them with dogs. He said each of these practices was a violation of the prohibition of torture or ill-treatment, especially ‘where such methods are used in combination’. <sup>3</sup>
<b>4.</b> Making someone stand for a long time	In 1978 the European Court of Human Rights ruled that forcing IRA suspects to stand still for up to 40 hours, inducing painful muscle cramps was ‘cruel, inhuman and degrading’ treatment’. <sup>4</sup>

**INTERROGATION TECHNIQUES RESOURCE SHEET 2** Continued

Interrogation technique card	Is this torture?
<p><b>5.</b> Sleep deprivation</p>	<p>Sustained denial of sleep can be cruel and inhuman treatment. British Army interrogation techniques involving keeping suspects awake for up to a week amounted to inhuman and degrading treatment, in breach of the European Convention on Human Rights.<sup>5</sup></p>
<p><b>6.</b> Solitary confinement</p>	<p>Keeping a detainee in solitary confinement, depriving them of contact with anyone except prison staff in itself is not torture but isolation of detainees over an extensive period has been deemed cruel and degrading punishment.</p> <p>In 2001 the IACHR decided that Luis Alberto Cantonal Benavides was subjected to torture in jail in Peru when he was held in incommunicado detention in the dark in a tiny cell for 23.5 hours a day for an extensive period. (He was also held with animals in an Army base, and hooded, beaten, burned with cigarettes, blindfolded and subjected to electric shock.)<sup>6</sup></p> <p>In 2008 Dr Manfred Novak, UN Special Rapporteur on Torture, reported that prolonged solitary confinement can amount to cruel, inhuman or degrading treatment or punishment, or torture, giving examples of solitary confinement in a high security prison in Mongolia, prisoners on death row in Moldova and detainees in Guantanamo Bay Detention Facility, Cuba.<sup>7</sup></p>
<p><b>7.</b> Detailed questioning</p>	<p>Asking questions that require detailed answers is not torture. However, non-stop interrogation of a suspect without breaks and over a sustained period can be torture.<sup>8</sup></p>
<p><b>8.</b> Mock execution</p>	<p>Mock execution is a psychological torture technique.</p> <p>In 1996 UN Special Rapporteur Nigel Rodley reported torture in Karachi’s Central Jail, Pakistan, that included beatings, burning with cigarettes, whippings, sexual assault, electric shocks, deprivation of sleep, mock executions, the use of fetters, blindfolding and public humiliation.<sup>9</sup></p> <p>In 1982 the IACHR decided that the mock execution of a Bolivian citizen was torture and ill-treatment in the case of Solano vs Bolivia.<sup>10</sup></p>
<p><b>9.</b> Stripping subjects naked, parading them in public</p>	<p>In 2004 the UN Special Rapporteur on Torture, Theo van Boven, listed the deprivation of clothing and the stripping prisoners naked – practices that were being ‘condoned or used to secure information from suspected terrorists’ were acts of torture or ill-treatment, especially where such techniques were used in combination with other abusive practices.</p> <p>Widespread outcry erupted following the publication of film and photographs from the Abu Ghraib Detention Facility, Baghdad, Iraq in 2004 that showed (among other abuses) male Iraqi detainees being stripped of their clothes by US prison guards and forced to parade naked with women’s underwear wrapped round their heads. These were declared ‘outrages upon personal dignity, particularly humiliating and degrading treatment clear breaches of Common Article 3 of the Geneva Conventions’ and ‘clearly incidents of degrading and inhuman treatment’, according to Pierre Kraehenbuehl, Director of the International Committee of the Red Cross.<sup>11</sup></p>

**INTERROGATION TECHNIQUES RESOURCE SHEET 2** Continued

Interrogation technique card	Is this torture?
<p><b>10.</b> Forcing drugs on a prisoner</p>	<p>The forced administration of drugs to prisoners is torture, including the injection of painful, psychotropic drugs, eg</p> <ul style="list-style-type: none"> <li>- On dissident detainees in the psychiatric clinics of the Soviet Union</li> <li>- During the rendition of two Egyptian asylum seekers who were handed over to US agents by the Swedish authorities<sup>12, 13</sup></li> </ul>
<p><b>11.</b> Sensory deprivation and sensory bombardment (light, sound)</p>	<p>The denial or the bombardment of prisoners with light or sound over a sustained period is cruel and inhuman punishment.</p> <p>In a benchmark case known as ‘The Five Techniques’, the European Court of Human Rights ruled that disorientation and sensory deprivation techniques used by the British Army on suspected paramilitaries in Northern Ireland, and the subjection of suspects to a sustained sensory bombardment of sound (‘white noise’) constituted ‘cruel, inhuman and degrading’ treatment of prisoners.<sup>14</sup></p>
<p><b>12.</b> Forcing someone to lie on cold ground</p>	<p>The European Court of Human Rights decided that six Kurdish men and a boy from Ormaniçi, eastern Turkey, were tortured in 1993 when they were force-marched, made to lie face down in the snow for eight hours, and then held in freezing temperatures in a Turkish Army base for several days. Severe frostbite and gangrene led to one dying and four having to have their feet amputated.<sup>15</sup></p>
<p><b>13.</b> Flogging, beating, electric shocks</p>	<p>Flogging and beating prisoners and giving them electric shocks are torture techniques.</p> <p>In 1969 the European Court of Human Rights decided the Athens police had tortured political detainees with electric shocks, a vice, and severe beatings of the body and feet during the regime of the Greek Colonels military junta (1967-1974).<sup>16</sup></p> <p>In 1990 the Inter American Court on Human Rights found that Elvis Gustavo Lovato Rivera, who was held for 17 days in Zacatecoluca Police Headquarters in El Salvador, where he was hooded, beaten, burned with lit cigarettes, given electric shocks in a metal bath and then released without charge, was a victim of torture.<sup>17</sup></p>
<p><b>14.</b> Confinement in painful positions</p>	<p>Forcing a prisoner to stand, sit, or kneel in abnormal ‘stress’ positions over prolonged periods of time is physical torture.</p> <p>In May 2004, Theo van Boven, UN Special Rapporteur on Torture, expressed deep concern about torture practices being carried out by Coalition forces in Iraq, holding Iraqi detainees in ‘stress positions’ for sustained periods. He called for ‘prompt and effective steps to investigate, prosecute and impose appropriate sanctions’.</p> <p>On 6/9/1999, the Supreme Court of Israel ruled that holding detainees in stress positions over sustained periods was torture. The Court forbade Israeli security agencies from using the ‘shaback’ position in which a detainee’s hands are tied behind the back of a chair in a painful position while he is hooded; and the ‘frog crouch’ in which a detainee is forced to crouch on his toes with his hands bound behind his back for a long period of time.<sup>18</sup></p> <p>In January 2005 Dr Manfred Nowak, UN Special Rapporteur on Torture, reported visiting a police facility in the Kingdom of Jordan where his team interviewed a prisoner who the previous night had been ‘seriously tortured for one and a half hours in the “stress” position - handcuffed ... suspended (in the air) and subjected to beatings’ until ‘he almost couldn’t walk’.<sup>19</sup></p>

## INTERROGATION TECHNIQUES RESOURCE SHEET 2 Continued

Interrogation technique card	Is this torture?
	NOTE: Amnesty has created a short two-minute film showing the use of this technique in the current War on Terror (suitable for 14+): <a href="http://www.protectthehuman.com/videos/waiting-for-the-guards">www.protectthehuman.com/videos/waiting-for-the-guards</a>
<b>15.</b> Rape	The rape of a detainee is torture, and it can be a war crime.  In 1998 the International Criminal Tribunal for Rwanda found Jean-Paul Akayesu, Mayor of Taba, and Laurent Semanza, Mayor of Bicumbi, guilty of the war crime of rape during the 1994 Rwanda genocide. <sup>20</sup>  A Peruvian soldier was found guilty of torture for the rape of teacher Raquel Martí de Mejía in Oxapampa, Peru. <sup>21</sup>
<b>16.</b> Threatening someone with prosecution if they have committed a crime	To threaten someone with prosecution if they have committed a crime is not torture.
<b>17.</b> Pressure hosing	Subjecting detainees to sustained high-pressure jets of ice-cold water is torture.  In 1994 and 1995 UN Special Rapporteur on Torture Nigel Rodley listed incidents where Turkish police had subjected young detainees in Derik and Ankara, and in Istanbul and Diyarbakir, to stripping and hosing with icy water for lengthy periods. <sup>22, 23</sup>
<b>18.</b> Denial of food	While temporary denial of food is not considered torture, the sustained denial of food and water certainly is.  In 1990 The UN Human Rights Committee decided that Primo José Essono Mika, who was deprived of food and water after his arrest on 16 August 1988, in Bata Prison, in Equatorial Guinea, had been subjected to cruel and inhuman treatment. <sup>24</sup>

## ENDNOTES

1. Ref: E/CN.4/1995/34 paras 758 – 766
2. Ref: E/CN.4/2006/6/Add.6
3. Ref: Interim Report UN Special Rapporteur on Torture 1/10/2004
4. Ref: ECHR Ireland v UK 1978
5. Ref: ECHR Ireland v UK 1979
6. Ref: Benavides vs Peru, IACHR (Ser. C) No. 69 (2000)
7. Ref: Interim Report of UN Special Rapporteur on Torture on Use and Effects of Solitary Confinement 24/10/2008
8. Ref: C Foley (2003) *Combating Torture: A Manual for Judges and Prosecutors*, University of Essex
9. Ref UN Special Rapporteur, E/CN.4/1997/71/Add.2
10. Ref: IACHR Resolution No. 32/82, Case No. 7823
11. Ref: *Los Angeles Times* 8/5/2004
12. Ref: Koryagin, *British Medical Journal* Vol 295, 7 Nov 1987)
13. Ref: Agiza vs Sweden UN CAT/C/34/D/233/2003
14. Ref: ECHR Ireland v UK 1979
15. Ref: ECHR Ahmet Özkan and others v Turkey, 2004
16. Ref: ECHR The Greek Case 1969 12 Yearbook 1
17. Ref: IACHR Elvis Gustavo Lovato Rivera v El Salvador, Case No. 10.574
18. Ref: Human Rights Quarterly 28.4 (2006) 809-841
19. Ref: 29 /6/2006 Associated Press
20. Ref: ICTR 96.4/T and ICTR 97.20/T
21. Ref: IACHR Raquel Martí de Mejía v Peru, Report No. 5/96, Case No. 10.970
22. Ref: E/CN.4/1994/31 paras 552,562-4
23. Ref: E/CN.4/1995/34, paras 762,763, 765-8
24. Ref: CCPR/C/51/D/414/1990

# WORKSHEET 1

## WHAT IS TORTURE?

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is an international human rights treaty that was drawn up by the United Nations in 1974. It aims to prevent torture around the world.

The Convention defines torture as:

...any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official. It does not include pain or suffering arising only from or incidental to legal forms of punishment.

This law states that governments must not torture anybody, ever. There are no circumstances – neither war nor any other public emergency, nor crimes such as mass murder or terrorism – that can be used to justify torture. Freedom from torture is an absolute right.

The law also says that governments have a duty to prevent public officials committing torture and allowing acts of cruel, inhuman or degrading treatment or punishment, even if such acts do not amount to torture as defined above.

Other important human rights laws, including The Geneva Conventions (Common Article 3), the UN International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the The UK Human Rights Act, also state that freedom from torture is an absolute human right.

Sadly, despite these laws, every year Amnesty International, Human Rights Watch, the Medical Foundation for the Care of Victims of Torture, and other organisations highlight reports of torture or other cruel, inhuman or degrading treatment in more than half of the member states of the United Nations.

## WORKSHEET 2

### DIFFERENCE OF INTERPRETATION?

#### Torture and terrorism

By 2008, 145 of the 191 member states of the United Nations had agreed to the UN Convention against Torture, which spells out the ruling that torture is never permissible. But occasionally states that are party to the Convention argue about what really constitutes torture. A key current debate focuses on the treatment of terrorism suspects. Should governments be able to use 'enhanced interrogation techniques' that might amount to torture in order to get vital information from a suspect who may be planning mass murder? Part of this debate concerns the use of an interrogation technique called 'waterboarding'.

#### What is waterboarding?

Waterboarding is the modern name for an ancient technique of mock execution also known as 'Strappado' and 'Chinese Water Torture'. It consists of strapping someone onto a sloping board and pouring water onto their face to partially drown them, in order to punish them or to obtain information or a confession. It was a method used by the Spanish Inquisition in the 15th century, by Japanese and German forces in World War II, in wars in Algeria and Viet Nam, by the Khmer Rouge in Cambodia, in Chile and more recently in Afghanistan, Egypt, Syria and the USA as part of anti-terrorism operations.

#### CASE STUDY

#### Waterboarding in the USA

Waterboarding is a crime under US Federal Law. In 1983, US Federal prosecutors charged a Texas sheriff and three of his deputies with violating prisoners' civil rights by forcing confessions from them using water torture. All four were convicted. The sheriff was sentenced to 10 years in prison.

In 2006 the US Army issued a set of instructions – the Field Manual No. 2-22.3 (FM 34-52) - telling military interrogators how they should conduct their interrogations in keeping with US and international law. It specifically forbids the use of torture and degrading treatment of prisoners including forced nakedness, hooding, sexual humiliation and waterboarding.

However the technique of waterboarding has been used recently by the CIA on terrorist suspects in the US detention centre at Guantánamo Bay. President George W Bush defended the use of waterboarding as 'one of the most valuable tools in the war on terror'. He said that the normal techniques of interrogation used by the US Army were inadequate to deal with the extreme case of terrorism suspects. President Bush said:

'Limiting the CIA's interrogation methods to those in the Army Field Manual would be dangerous because the manual is publicly available and easily accessible on the Internet. Shortly after 9/11, we learned that key al Qaida operatives had been trained to resist the methods outlined in the manual. And this is why we created alternative procedures to question the most dangerous al Qaida operatives, particularly those who might have knowledge of attacks planned on our homeland.'<sup>1</sup>

### Support for the use of waterboarding

John Kiriakou, a retired CIA agent, spoke about waterboarding being used by his team while they were interrogating Abu Zubaydah, a detainee who was suspected of being a key al-Qa'ida logistics chief. He said that while waterboarding might technically be torture, it had broken their detainee in seconds. The day after the waterboarding was used, the detainee told his interrogator that Allah had visited him in his cell during the night and told him to cooperate with the CIA. 'From that day on, he answered every question... The threat information that he provided disrupted a number of attacks, maybe dozens of attacks,' said Kiriakou. He feels that the use of waterboarding may have 'compromised our principles at least in the short term' but felt at the time that it was 'something we needed to do'.<sup>12</sup>

In 2007 the US Vice President, Dick Cheney, defended the practice of waterboarding. He was asked on a radio programme if 'a dunk in water' was torture if it could save lives. Cheney replied, 'That's a no-brainer for me... We don't torture. That's not what we're involved in. We live up to our obligations in international treaties that we are party to... But the fact is that you can have a fairly robust interrogation program without torture. And we need to be able to do that.'<sup>13</sup>

American lawyer Andrew C McCarthy, Director of the Center for Law and Counterterrorism, has argued that in some instances the techniques of waterboarding were neither prolonged nor extensive and did not actually inflict pain. When used for enhanced interrogation of terrorist suspects, waterboarding should not qualify as torture. 'I don't believe it qualifies... It is not in the nature of the barbarous sadism universally condemned as torture.'<sup>14</sup>

### Challenges to the legitimacy of waterboarding

Authorities on human rights, including UN officials have spoken out against the US use of waterboarding in the 'war on terror', claiming waterboarding to be torture. In February 2008 Louise Arbour, UN High Commissioner for Human Rights, said, 'I would have no problems with describing this practice as falling under the prohibition on torture.'<sup>15</sup>

Also at this time, the UN's chief investigator criticised the US government for defending the use of waterboarding: Manfred Nowak, the Special Rapporteur on Torture, said, 'This is absolutely unacceptable under international human rights law. [The] time has come that the government will actually acknowledge that they did something wrong and not continue trying to justify what is unjustifiable.'<sup>16</sup>

Bent Sørensen, senior medical consultant to the International Rehabilitation Council for Torture Victims and former member of the United Nations Committee against Torture, has provided further support for this claim:

'It's a clear-cut case: Waterboarding can without any reservation be labeled as torture. It fulfils all of the four central criteria that according to the United Nations Convention Against Torture (UNCAT) defines an act of torture. First, when water is forced into your lungs in this fashion, in addition to the pain you are likely to experience an immediate and extreme fear of death. You may even suffer a heart attack from the stress or damage to the lungs and brain from inhalation of water and oxygen deprivation. In other words there is no doubt that waterboarding causes severe physical and/or mental suffering – one central element in the UNCAT's definition of torture. In addition the CIA's waterboarding clearly fulfils the three additional definition criteria stated in the Convention for a deed to be labeled torture, since it is 1) done intentionally, 2) for a specific purpose and 3) by a representative of a state – in this case the US.'<sup>17</sup>

The human rights organisation Amnesty International campaigns to stop the use of torture everywhere, including in the 'war on terror'. The organisation has made a short film about waterboarding to show what the procedure involves and quotes the testimonies of people who have survived the technique as evidence that it does indeed cause severe physical and mental suffering. Amnesty International says:

Torture is a crime that cannot be justified under any circumstances. Governments must bring to justice those responsible for authorising and inflicting it. Governments have a duty to protect their population from violent attacks, but real security can only be achieved through justice and the promotion of human rights.

### Instructions for students

1. What is the UN Convention on Torture?
2. What is torture according to the UN Convention on Torture? Write this definition in your own words.
3. What does it mean for freedom from torture to be an 'absolute' right?
4. 'In the fight against terrorism, governments should be allowed to use interrogation methods that might be considered torture.' Discuss, showing that you have considered both sides of the argument in your answer.

### ENDOTES

1. [www.whitehouse.gov/news/releases/2008/03/20080308.html](http://www.whitehouse.gov/news/releases/2008/03/20080308.html)
2. ABC News 10 December 2007
3. Guardian, 27 October 2007
4. Andrew McCarthy, Waterboarding and Torture, [nationalreview.com](http://nationalreview.com)
5. [www.reuters.com/article/topNews/idUSN0852061620080208](http://www.reuters.com/article/topNews/idUSN0852061620080208)
6. [www.guardian.co.uk/world/2008/feb/07/humanrights.usa](http://www.guardian.co.uk/world/2008/feb/07/humanrights.usa)
7. [www.ircct.org/Default.aspx?ID=3558&M=News&NewsID=1236](http://www.ircct.org/Default.aspx?ID=3558&M=News&NewsID=1236)

## RESOURCE SHEET 3

### TACKLING TERRORISM WITH TORTURE?

#### Arguments for

To be made into cards

Using force when you interrogate a terrorism suspect – for example, forcing the suspect to sit in stressful positions – is not really the same as ‘torture’. International law needs to change to allow these methods.

The terrorism suspects who are being interrogated are willing to do anything for their cause; they would even die for it. Strong tactics are needed when dealing with such people.

Sometimes torture is the only way to get information to prevent future terrorist attacks; it is a means to a justifiable end, the ‘lesser of two evils’.

There often isn’t the time to merely talk with a terrorist suspect: they may hold information that is needed urgently to stop a terrorist attack. Using force is likely to bring a quicker result.

Forceful interrogation is often highly controlled and regulated by officials who don’t let it go ‘too far’ and would only allow it in extreme cases. If forceful interrogation is banned then it is likely to be driven underground in secret prisons where it could become more violent.

Using force against people convicted of terrorist activities will bring justice and retribution to the families of victims of terrorism.

Using force against terrorism suspects will act as a deterrent to others considering committing further terrorist attacks.

**RESOURCE SHEET 3****TACKLING TERRORISM WITH TORTURE?** Continued**Arguments against**

To be made into cards

If people are forcefully interrogated to get information out of them, some will talk. Some won't. Of those who talk, many will say anything to stop their suffering – much of it may be lies, which won't help solve the problem.

Using techniques that amount to torture creates pain, suffering, humiliation, fear, anger and ultimately, hatred, in the tortured person and in the community they come from. This hatred is likely to increase the threat of terrorism.

The methods used by prison guards tend to escalate in severity: the slap that doesn't make the prisoner talk turns into a beating. If the beating doesn't work, more pain will be inflicted. When authorities use violence and it is allowed to spiral like this, basic human rights are denied.

Once people in power are allowed to treat prisoners in cruel, inhumane and degrading ways, violence quickly becomes institutionalised – it becomes part of the usual way of dealing with matters. When this happens, no-one is safe.

Those who have to commit the acts of torture often become so brutalised that they abuse their role, torturing just for pleasure or revenge. This type of violence can never bring justice.

The only way to protect people is to treat every single human being as possessing fundamental human rights that no government, group or individual may ever justifiably take away. If this rule is applied consistently, justice will prevail.

Governments have a duty to protect their citizens, but they must not fight terror with terror: we cannot defend principles such as human rights by violent actions that undermine them. This is contradictory and hypocritical..